



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : William T. Ball  
SERIAL NO.: 10/732,726  
FILED : December 10, 2003  
TITLE : METHOD AND APPARATUS FOR ASSEMBLING AND SEALING  
BATHTUB OVERFLOW AND WASTE WATER PORTS  
Group/A.U.: 3751  
Conf. No. : 2017  
Examiner : Robert M. Fetsuga  
Docket No.: P06239US1-152

**PETITION TO WITHDRAW OBJECTION UNDER 37 C.F.R. § 1.83(a)  
THAT THE DRAWINGS DO NOT SHOW ALL FEATURES OF THE CLAIMS**

Mail Stop Petitions

To: Mr. Richard A. Bertsch  
Technology Center Director  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

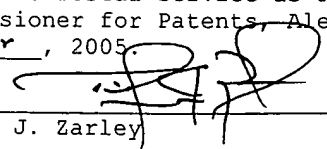
Pursuant to 37 C.F.R. § 1.113 and M.P.E.P. 1002.01(c)  
Applicant hereby petitions the Technology Center Director to  
withdraw the Examiner's drawing objection that the drawings do  
not show every feature of the claims.

Submitted herewith is a check for \$130.00 for the petition  
fee. A duplicate copy of this sheet is enclosed. If there is  
any deficiency in this fee, please charge Deposit Account 50-  
2098.

Applicant is a small entity.

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CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this document and the documents referred to as enclosed  
therein are being deposited with the United States Postal Service as First Class  
mail addressed to: Mail Stop Petitions, Commissioner for Patents, Alexandria, VA  
22313-1450, on this 27th day of December, 2005.

  
\_\_\_\_\_  
Timothy J. Zarley

A response in connection with the matter for which this Petition is filed is enclosed herewith.

#### **STATEMENT OF FACTS**

1. U.S. Serial No. 10/732,726 was filed December 10, 2003 and provided a method claim 1 for conducting a fluid leakage test on a fluid system.

2. In a non-final office action dated May 23, 2005, the Examiner objected to the drawings under 37 C.F.R. 1.83(a) as not showing every feature of the invention specified in the claims and particularly as specified in claims 1 and 9.

3. The Applicant filed a response to the office action on August 23, 2005, and in response to the drawing objection the Applicant proposed a new Fig. 8 and cancelled claim 9, and in addition during this action method claim 1 was amended and new claim 10 was added.

4. In a final office action dated October 24, 2005, the Examiner disapproved of new Fig. 8 as containing new subject matter and in addition objected to amended claim 1 and new claim 10 under 37 C.F.R. 1.83(a) as not showing every feature of the invention specified in the claims.

5. In the final office action of October 24, 2005, the Examiner stated that the drawings did not show the "sealing", "charging" and "purging" steps as set forth in claim 1 and the "providing" and "sealing" and "detachably engaging" steps forth in claim 10.

#### **POINT TO BE REVIEWED AND ACTION REQUESTED**

Applicant respectfully requests the Director review the Examiner's objection to the drawings as improper and requests that the objection be withdrawn as the Examiner has not

identified, nor is there, a structure or feature that the Applicant has omitted from its drawings.

Attached herewith is a Brief in support of this Petition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Zarley', with a large, stylized flourish extending from the end.

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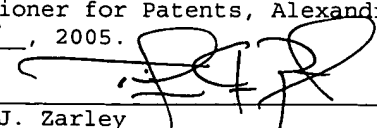
Dear Sir:

**BRIEF IN SUPPORT OF THE PETITION TO WITHDRAW OBJECTION  
UNDER 37 C.F.R. § 1.83(a) THAT THE DRAWINGS DO  
NOT SHOW ALL FEATURES OF THE CLAIMS**

The Examiner has objected to the drawings as not showing every feature of the invention as specified in the claims. The Applicant asserts the Examiner's objection to the drawings is improper as the Examiner has not identified the structure or feature of the claims that are not present within the drawing and additionally all structure and features within the claim are supported by the present drawings.

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I hereby certify that this document and the documents referred to as enclosed therein are being deposited with the United States Postal Service as First Class mail addressed to: Mail Stop Petitions, Commissioner for Patents, Alexandria, VA 22313-1450, on this 27th day of December, 2005.

  
\_\_\_\_\_  
Timothy J. Zarley

According to M.P.E.P. 608.02(d) and 37 C.F.R. 1.83, "the drawings in a non-provisional application must show every **feature** of the invention specified in the claims". (Emphasis added). To the Applicant's understanding a feature is any distinct part of a whole. The Examiner has not provided what features of the claims are not present in the drawing. Instead the Examiner states that "the 'sealing' 'charging' and 'purging' steps as set forth in claim 1, and the 'providing' (all occurrences) and 'sealing' and 'detachable engaging' steps set forth in claim 10" are the features not shown by the claims. Applicant asserts that both claims 1 and 10 are method claims and that sealing, charging, purging, providing, and detachably engaging are all verbs or actions that cannot be considered features or structure, nor can they be shown in a still drawing.

The Applicant in its figures, that are all attached herewith, shows all of the structure and features of the physical elements used during the method as claimed. Additionally the Examiner has not suggested or argued that this structure or features within claims 1 or 10 is not shown by the drawings.

Therefore, because the figures submitted show all of the features and structure contemplated in method claims 1 and 10 Applicant asserts that the drawing requirement that the drawings show all of the features of a claimed invention has been met. Additionally, Applicant asserts that the Examiner has not specifically pointed to a feature or structure that is not present in the drawings and is claimed. Therefore Applicant respectfully requests that the Director overturn the Examiner's objection under 37 C.F.R. 1.83(a).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Zarley', with a stylized flourish at the end.

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